

March 27, 2024

Via ECF

Hon. Kenneth M. Karas
United States District Court
Southern District of New York
300 Quarropas St.
White Plains, NY 10601

Re: *Melville v. HOP Energy, LLC*, No. 21 Civ. 10406 (KMK) (VR)
Mullaney v. HOP Energy, LLC, No. 23 Civ. 7318 (KMK) (VR)

Dear Judge Karas,

The parties jointly write pursuant to Your Honor's Individual Rule of Practice I.C to request an extension of the discovery deadlines in *Melville* and to request entry of an initial schedule in *Mullaney*. The parties have agreed that discovery in the two matters should run concurrently and that discovery should be shared across both matters. Therefore, the parties request that the same discovery deadlines be entered in both cases. An identical request is being made in both cases.

Below is a list of the current discovery deadlines entered in *Melville* pursuant to Your Honor's Order entered on November 4, 2023, *Melville*, ECF No. 82, and the requested new deadlines.

Event	Current Deadline	Requested Extension
Interrogatories to be served	March 18, 2024	July 9, 2024
Requests to admit to be served	March 18, 2024	July 9, 2024
Depositions to be completed	April 18, 2024	August 9, 2024
All fact discovery completed	April 18, 2024	August 9, 2024
Expert disclosures	September 18, 2024	December 13, 2024

Your Honor granted one previous request for extension of these deadlines in *Melville* and no schedule has been entered in *Mullaney*. The requested deadlines are warranted to give the parties sufficient time to substantially complete document discovery in advance of depositions.

On January 11, the parties reached agreement on search terms applicable to Defendant's ESI search, which terms recalled over one million documents. After Defendant began its review, Defendant notified Plaintiffs and the Proposed Classes that it would not be able to review the documents within the time frame contemplated by the current discovery schedule in *Melville*. Even with the requested discovery extensions, Defendant will not be able to conduct a responsiveness review in time to complete discovery. Instead, Defendant will conduct an initial privilege review and produce all documents that were recalled by the agreed-upon search terms, subject to a clawback, by April 12. The parties expect this production to include approximately

800,000 documents. The requested discovery deadlines are warranted to allow the parties sufficient time to review the documents and conduct depositions.

The parties discussed their agreements and this discovery timeline with Judge Reznik during a March 6 conference and in a March 22 status letter. In accordance with Your Honor's Individual Rules and Judge Reznik's directive, we make this request to Your Honor but note that Judge Reznik indicated in her endorsement of the parties' March 22 status letter that "This Court does not see an issue with the parties' proposed extension[.]" *Melville*, ECF 118.

We thank the Court for its attention to this request.

Respectfully submitted,

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